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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/20/2023

TRULINCS 87354054 - OGOZY, CHARLES IFEANYI - Unit: LEW-K-A

FROM: 87354054

TO:

SUBJECT: Motion for Expedited Review and Consideration

DATE: 03/07/2023 08:38:40 PM

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHARLES IFEANYI OGOZY

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

Case No. 23-cv-00543

**MEMO ENDORSED**

MOTION FOR EXPEDITED REVIEW, CONSIDERATION, AND DECISION

Petitioner Charles I. Ogozy, pro se, hereby moves this court for expedited review, consideration, and decision in the above-captioned matter and in support avers as follows:

1. On January 18, 2023 Charles Ogozy filed a Petition to Vacate, Set Aside, or Correct a Sentence under 28 U.S.C. Section 2255 (Petition) under his original criminal caption.
2. Sua sponte the court docketed the Petition under a new "civil" caption.
3. Petitioner is currently serving a twenty-nine (29) month sentence and is currently incarcerated as USP Lewisburg Federal Prison Came in Pennsylvania. With a reduction for Good Conduct Time the total Statutory Sentence is 21.5 months with a release date of July 6, 2024.
4. Petitioner has already served almost nine (9) months of the total of 21.5 months he will serve or over 30% of his statutory sentence (as of the date of this motion). However, with the application of First Step Act Federal Earned Time Credits, petitioner's release date will continue to shorten by fifteen (15) days for every thirty (30) days he continues to be in BOP custody. NOTE: The First Step Act credits are soon to be projected similar to Good Conduct Time which will further shorten his projected release date.
5. In addition, a few weeks ago Petitioner's mother died after a protracted illness.
6. Petitioner and his family are members of a ruling clan in the Kingdom of Abiriba, Nigeria. As the only son of this family, petitioner's presence at the burial of his mother is required. In that regard, the family of the petitioner has placed the remains of his deceased mother in a mortuary awaiting resolution of all his legal matters including the 2255 that was recently filed in order for him to be able to join his family in Nigeria for a traditional burial.
7. For these reasons, time is of the essence in deciding the Petition.
8. The government is sufficiently familiar with the facts and circumstances surrounding petitioner's case and will not suffer any prejudice in an accelerated briefing schedule and review. The government has already had over forty (40) days in which to prepare its response.
9. For the forgoing reasons petitioner is requesting an expedited briefing schedule as well as an expedited period of review by the court, followed by a prompt decision.

WHEREFORE, Petitioner moves this honorable court to grant his motion for expedited review, consideration, and decision and enter an appropriate scheduling order that would resolve this matter in an expedient manner so that any appropriate relief will significantly affect his release date as well as allow him to attend the funeral of his mother as soon as possible.

Respectfully Submitted,

TRULINCS 87354054 - OGOZY, CHARLES IFEANYI - Unit: LEW-K-A

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Charles I. Ogozy  
Charles I. Ogozy, pro se  
Petitioner

DATE: 7th March, 2023

The filings in the civil case to which Defendant refers (*see* Case No. 23-CV-543) correspond to the filings related to Defendant's § 2255 petition docketed in Case No. 20-CR-191. As stated in the Court's January 24, 2023 Order to Answer, "[a]ll further papers filed or submitted for filing must include the criminal docket number and will be docketed in the criminal case." (ECF No. 68.)

The Court acknowledges that the personal circumstances Defendant describes above may be difficult.

With respect to Defendant's instant request for "an expedited briefing schedule," as stated in the Court's March 8 Order, a statement from Defendant's former counsel is necessary to allow the Government to respond to Defendant's § 2255 petition. (ECF No. 74.) Accordingly, the Court provided additional time for the parties to comply with the directives in that Order. (*Id.*)

The Clerk is respectfully directed to close the motion at ECF No. 75.

SO ORDERED.

Dated: New York, New York  
March 20, 2023

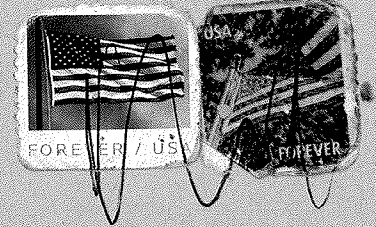
/s/ Kimba M. Wood  
KIMBA M. WOOD  
United States District Judge



Inmate Name: Charles Ogozy  
Register Number: 87354-054  
Federal Prison Camp  
P.O. Box 2000  
Lewisburg, PA 17837

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